



House of Representatives

General Assembly

File No. 451

February Session, 2012

Substitute House Bill No. 5514

House of Representatives, April 16, 2012

The Committee on Public Health reported through REP. RITTER, E. of the 38th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING VARIOUS REVISIONS TO THE PUBLIC HEALTH STATUTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 7-60 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2012*):

4 (a) Each case of fetal death shall be registered and a fetal death
5 certificate shall be filed with the registrar of vital statistics in the
6 manner required by sections 7-48, [7-50,] 7-51, as amended by this act,
7 and 7-52 with respect to the filing, content and issuance of birth
8 certificates. A fetus born after a period of gestation of not less than
9 twenty weeks in which there is no attempt at respiration, no action of
10 heart and no movement of voluntary muscle, shall be recorded as a
11 fetal death. A fetal death certificate shall be signed by a physician or,
12 when no physician was in attendance, by the nurse-midwife in
13 attendance at the birth, the Chief Medical Examiner, Deputy Chief
14 Medical Examiner, an associate medical examiner or an authorized

15 assistant medical examiner.

16 Sec. 2. Section 46b-25 of the general statutes is repealed and the
17 following is substituted in lieu thereof (*Effective October 1, 2012*):

18 No license may be issued by the registrar until both persons have
19 appeared before the registrar and made application for a license. The
20 registrar shall issue a license to any two persons eligible to marry
21 under this chapter. The license shall be completed in its entirety, dated,
22 signed and sworn to by each applicant and shall state each applicant's
23 name, age, race, birthplace, residence, whether single, widowed or
24 divorced and whether under the supervision or control of a
25 conservator or guardian. The Social Security numbers of both persons
26 shall be recorded in the "administrative purposes" section of the
27 license. If the license is signed and sworn to by the applicants on
28 different dates, the [earlier] later date shall be deemed the date of
29 application.

30 Sec. 3. Section 46b-30 of the general statutes is repealed and the
31 following is substituted in lieu thereof (*Effective October 1, 2012*):

32 (a) No license may be issued to any applicant under sixteen years of
33 age, unless the judge of probate for the district in which the minor
34 resides endorses his written consent on the license.

35 (b) No license may be issued to any applicant under eighteen years
36 of age, unless the written consent of a custodial parent or guardian of
37 the person of such minor, signed and acknowledged before a person
38 authorized to take acknowledgments of conveyances under the
39 provisions of section 47-5a, or authorized to take acknowledgments in
40 any other state or country, is filed with the registrar. If [no parent or
41 guardian of the person of such minor is a resident of the United States]
42 the minor does not have a custodial parent or guardian, the written
43 consent of the judge of probate for the district in which the minor
44 resides, endorsed on the license, shall be sufficient.

45 Sec. 4. Subsection (b) of section 19a-72 of the general statutes is

46 repealed and the following is substituted in lieu thereof (*Effective*
47 *October 1, 2012*):

48 (b) The Department of Public Health shall maintain and operate the
49 Connecticut Tumor Registry. Said registry shall include a report of
50 every occurrence of a reportable tumor that is diagnosed or treated in
51 the state. Such reports shall be made to the department by any
52 hospital, clinical laboratory and health care provider in the state. Such
53 reports shall include, but not be limited to, pathology reports and
54 information obtained from records of any person licensed as a health
55 care provider and may include a collection of actual tissue samples
56 and such information as the department may prescribe. Follow-up
57 data, demographic, diagnostic, treatment and other medical
58 information shall also be included in the report in a form and manner
59 as the department may prescribe. The Commissioner of Public Health
60 shall promulgate a list of required data items, which may be amended
61 from time to time. Such reports shall include every occurrence of a
62 reportable tumor that is diagnosed or treated during a calendar year.
63 [On or before July 1, 2010, and annually thereafter, such] Such reports
64 shall be submitted to the department on or before July first, annually,
65 in such manner as the department may prescribe.

66 Sec. 5. Section 19a-255 of the general statutes is amended by adding
67 subsection (d) as follows (*Effective October 1, 2012*):

68 (NEW) (d) The Commissioner of Public Health may enter into a
69 reciprocal agreement with another state for the interstate
70 transportation of a person afflicted with tuberculosis and for the
71 medical treatment of such person.

72 Sec. 6. Section 19a-4l of the general statutes is repealed and the
73 following is substituted in lieu thereof (*Effective October 1, 2012*):

74 There is established, within the Department of Public Health, an
75 Office of Oral Public Health. The director of the Office of Oral Public
76 Health shall be a dental health professional with [a graduate degree]
77 experience in public health and [hold] a license to practice under

78 chapter 379 or 379a and shall:

79 (1) Coordinate and direct state activities with respect to state and
80 national dental public health programs;

81 (2) Serve as the department's chief advisor on matters involving oral
82 health; and

83 (3) Plan, implement and evaluate all oral health programs within
84 the department.

85 Sec. 7. Subdivision (4) of subsection (a) of section 52-146k of the
86 general statutes is repealed and the following is substituted in lieu
87 thereof (*Effective October 1, 2012*):

88 (4) "Rape crisis center" means any office, institution or center
89 offering assistance to victims of sexual assault and their families
90 through crisis intervention, medical and legal advocacy and follow-up
91 counseling; [and which meets the Department of Public Health criteria
92 of service provision for such centers.]

93 Sec. 8. Subsection (f) of section 19a-37 of the 2012 supplement to the
94 general statutes is repealed and the following is substituted in lieu
95 thereof (*Effective October 1, 2012*):

96 (f) The local director of health may require a private residential well
97 to be tested for [radionuclides] arsenic, radium, uranium, radon or
98 gross alpha emitters, when there are reasonable grounds to suspect
99 that such contaminants are present in the groundwater. For purposes
100 of this subsection, "reasonable grounds" means (1) the existence of a
101 geological area known to have naturally occurring [radionuclide]
102 arsenic, radium, uranium, radon or gross alpha emitter deposits in the
103 bedrock; or (2) the well is located in an area in which it is known that
104 [radionuclides] arsenic, radium, uranium, radon or gross alpha
105 emitters are present in the groundwater.

106 Sec. 9. Section 20-341a of the general statutes is repealed and the
107 following is substituted in lieu thereof (*Effective October 1, 2012*):

108 As used in this chapter:

109 (1) "Subsurface sewage disposal system installer" means any person
110 [regularly] offering to the general public services of construction,
111 installation, repairing, cleaning or servicing subsurface sewage
112 disposal systems and licensed pursuant to section 20-341e;

113 (2) "Subsurface sewage disposal system cleaner" means any person
114 [regularly] offering to the general public services of cleaning or
115 servicing subsurface sewage disposal systems and licensed pursuant to
116 section 20-341e;

117 (3) "Subsurface sewage disposal system" means a septic tank
118 followed by leaching pits, trenches, beds or galleries.

119 Sec. 10. Section 20-341l of the general statutes is repealed and the
120 following is substituted in lieu thereof (*Effective October 1, 2012*):

121 Any person who engages in or practices the work or occupation of
122 subsurface sewage disposal system installer or subsurface sewage
123 disposal system cleaner without having first obtained a license for
124 such work, or who wilfully employs a person who does not have a
125 license for such work, or who wilfully and falsely pretends to qualify
126 to engage in or practice such work or occupation, or who violates any
127 other provision of this chapter, unless the penalty is otherwise
128 specifically prescribed, shall be fined not more than [one hundred] ten
129 thousand dollars for each such violation.

130 Sec. 11. Subsection (e) of section 20-12 of the general statutes is
131 repealed and the following is substituted in lieu thereof (*Effective*
132 *October 1, 2012*):

133 (e) Any physician [licensed] or surgeon who holds a license in good
134 standing in another state [who is board-certified in pediatrics or family
135 medicine, or whose state standards for licensure are equivalent to or
136 greater than those required in this state,] may practice as a youth camp
137 physician in this state without a license for a period not to exceed nine
138 weeks.

139 Sec. 12. Section 7-36 of the 2012 supplement to the general statutes is
140 repealed and the following is substituted in lieu thereof (*Effective*
141 *October 1, 2012*):

142 As used in this chapter and sections 19a-40 to 19a-45, inclusive,
143 unless the context otherwise requires:

144 (1) "Registrar of vital statistics" or "registrar" means the registrar of
145 births, marriages, deaths and fetal deaths or any public official charged
146 with the care of returns relating to vital statistics;

147 (2) "Registration" means the process by which vital records are
148 completed, filed and incorporated into the official records of the
149 department;

150 (3) "Institution" means any public or private facility that provides
151 inpatient medical, surgical or diagnostic care or treatment, or nursing,
152 custodial or domiciliary care, or to which persons are committed by
153 law;

154 (4) "Vital records" means a certificate of birth, death, fetal death or
155 marriage;

156 (5) "Certified copy" means a copy of a birth, death, fetal death or
157 marriage certificate that (A) includes all information on the certificate
158 except such information that is nondisclosable by law, (B) is issued or
159 transmitted by any registrar of vital statistics, (C) includes an attested
160 signature and the raised seal of an authorized person, and (D) if
161 submitted to the department, includes all information required by the
162 commissioner;

163 (6) "Uncertified copy" means a copy of a birth, death, fetal death or
164 marriage certificate that includes all information contained in a
165 certified copy except an original attested signature and a raised seal of
166 an authorized person;

167 (7) "Authenticate" or "authenticated" means to affix to a vital record
168 in paper format the official seal, or to affix to a vital record in electronic

169 format the user identification, password, or other means of electronic
170 identification, as approved by the department, of the creator of the
171 vital record, or the creator's designee, by which affixing the creator of
172 such paper or electronic vital record, or the creator's designee, affirms
173 the integrity of such vital record;

174 (8) "Attest" means to verify a vital record in accordance with the
175 provisions of subdivision (5) of this section;

176 (9) "Correction" means to change or enter new information on a
177 certificate of birth, marriage, death or fetal death, within one year of
178 the date of the vital event recorded in such certificate, in order to
179 accurately reflect the facts existing at the time of the recording of such
180 vital event, where such changes or entries are to correct errors on such
181 certificate due to inaccurate or incomplete information provided by the
182 informant at the time the certificate was prepared, or to correct
183 transcribing, typographical or clerical errors;

184 (10) "Amendment" means to (A) change or enter new information
185 on a certificate of birth, marriage, death or fetal death, more than one
186 year after the date of the vital event recorded in such certificate, in
187 order to accurately reflect the facts existing at the time of the recording
188 of the event, (B) create a replacement certificate of birth for matters
189 pertaining to parentage and gender change, or (C) [change a certificate
190 of birth, marriage, death or fetal death to reflect facts that have
191 changed since the time the certificate was prepared, including, but not
192 limited to,] reflect a legal name change in accordance with section 19a-
193 42 or make a modification to a cause of death;

194 (11) "Acknowledgment of paternity" means to legally acknowledge
195 paternity of a child pursuant to section 46b-172;

196 (12) "Adjudication of paternity" means to legally establish paternity
197 through an order of a court of competent jurisdiction;

198 (13) "Parentage" includes matters relating to adoption, gestational
199 agreements, paternity and maternity;

200 (14) "Department" means the Department of Public Health;

201 (15) "Commissioner" means the Commissioner of Public Health or
202 the commissioner's designee;

203 (16) "Gestational agreement" means a written agreement for assisted
204 reproduction in which a woman agrees to carry a child to birth for an
205 intended parent or intended parents, which woman contributed no
206 genetic material to the child and which agreement (A) names each
207 party to the agreement and indicates each party's respective
208 obligations under the agreement, (B) is signed by each party to the
209 agreement and the spouse of each such party, if any, and (C) is
210 witnessed by at least two disinterested adults and acknowledged in
211 the manner prescribed by law;

212 (17) "Intended parent" means a party to a gestational agreement
213 who agrees, under the gestational agreement, to be the parent of a
214 child born to a woman by means of assisted reproduction, regardless
215 of whether the party has a genetic relationship to the child; [and]

216 (18) "Foundling" means (A) a child of unknown parentage, or (B) an
217 infant voluntarily surrendered pursuant to the provisions of section
218 17a-58; and

219 (19) "Certified homeless youth" means a person who is at least
220 fifteen years of age but less than eighteen years of age, is not in the
221 physical custody of a parent or legal guardian, who is a homeless child
222 or youth, as defined in 42 USC 11434a, as amended from time to time,
223 and who has been certified as homeless by (A) a school district
224 homeless liaison, (B) the director of an emergency shelter program
225 funded by the United States Department of Housing and Urban
226 Development, or the director's designee, or (C) the director of a
227 runaway or homeless youth basic center or transitional living program
228 funded by the United States Department of Health and Human
229 Services, or the director's designee.

230 Sec. 13. Section 7-51 of the 2012 supplement to the general statutes is

231 repealed and the following is substituted in lieu thereof (*Effective*
232 *October 1, 2012*):

233 (a) The department and registrars of vital statistics shall restrict
234 access to and issuance of a certified copy of birth and fetal death
235 records and certificates less than one hundred years old, to the
236 following eligible parties: (1) The person whose birth is recorded, if
237 over eighteen years of age, a certified homeless youth, as defined in
238 section 7-36, as amended by this act, or a minor emancipated pursuant
239 to section 46b-150b; (2) such person's children, grandchildren, spouse,
240 parent, guardian or grandparent; (3) the chief executive officer of the
241 municipality where the birth or fetal death occurred, or the chief
242 executive officer's authorized agent; (4) the local director of health for
243 the town or city where the birth or fetal death occurred or where the
244 mother was a resident at the time of the birth or fetal death, or the
245 director's authorized agent; (5) attorneys-at-law representing such
246 person or such person's parent, guardian, child or surviving spouse;
247 (6) a conservator of the person appointed for such person; (7) members
248 of genealogical societies incorporated or authorized by the Secretary of
249 the State to do business or conduct affairs in this state; (8) agents of a
250 state or federal agency as approved by the department; and (9)
251 researchers approved by the department pursuant to section 19a-25.
252 Except as provided in section 19a-42a, access to confidential files on
253 paternity, adoption, gender change or gestational agreements, or
254 information contained within such files, shall not be released to any
255 party, including the eligible parties listed in this subsection, except
256 upon an order of a court of competent jurisdiction.

257 (b) No person other than the eligible parties listed in subsection (a)
258 of this section shall be entitled to examine or receive a copy of any
259 birth or fetal death record or certificate, access the information
260 contained therein, or disclose any matter contained therein, except
261 upon written order of a court of competent jurisdiction. Nothing in this
262 section shall be construed to permit disclosure to any person,
263 including the eligible parties listed in subsection (a) of this section, of
264 information contained in the "information for health and statistical use

265 only" section or the "administrative purposes only" section of a birth
266 certificate, unless specifically authorized by the department for
267 statistical or research purposes. The Social Security number of the
268 parent or parents listed on any birth certificate shall not be released to
269 any party, except to those persons or entities authorized by state or
270 federal law. Such confidential information, other than the excluded
271 information set forth in this subsection, shall not be subject to
272 subpoena or court order and shall not be admissible before any court
273 or other tribunal.

274 (c) (1) The registrar of the town in which the birth or fetal death
275 occurred or of the town in which the mother resided at the time of the
276 birth or fetal death, or the department, may issue a certified copy of the
277 certificate of birth or fetal death of any person born in this state which
278 is kept in paper form in the custody of the registrar. Such certificate
279 shall be issued upon the written request of an eligible party listed in
280 subsection (a) of this section. Any registrar of vital statistics in this
281 state with access, as authorized by the department, to the electronic
282 vital records system of the department may issue a certified copy of
283 the electronically filed certificate of birth or fetal death of any person
284 born in this state upon the written request of an eligible party listed in
285 subsection (a) of this section.

286 (2) In the case of a certified homeless youth, such certified homeless
287 youth and the person who is certifying the certified homeless youth as
288 homeless, as described in section 7-36, as amended by this act, shall
289 appear in person when the certified homeless youth is presenting the
290 written request described in subdivision (1) of this subsection at (A)
291 the office of the registrar of the town in which the certified homeless
292 youth was born, (B) the office of the registrar of the town in which the
293 mother of the certified homeless youth resided at the time of the birth,
294 (C) if the birth certificate of the certified homeless youth has been
295 electronically filed, any registrar of vital statistics in the state with
296 access, as authorized by the department, to the electronic vital records
297 system, or (D) the state Vital Records Office of the department. The
298 certified homeless youth shall present to the registrar or the

299 department information sufficient to identify himself or herself as may
300 be required by regulations prescribed by the commissioner. The
301 person who is certifying the certified homeless youth as homeless shall
302 present to the registrar or the department information sufficient to
303 identify himself or herself as meeting the certification requirements of
304 section 7-36, as amended by this act.

305 (d) The department and each registrar of vital statistics shall issue
306 only certified copies of birth certificates or fetal death certificates for
307 births or fetal deaths occurring less than one hundred years prior to
308 the date of the request.

309 Sec. 14. Section 46b-150d of the 2012 supplement to the general
310 statutes, as amended by section 91 of public act 09-7 of the September
311 special session and section 13 of public act 11-240, is repealed and the
312 following is substituted in lieu thereof (*Effective October 1, 2012*):

313 An order that a minor is emancipated shall have the following
314 effects: (1) The minor may consent to medical, dental or psychiatric
315 care, without parental consent, knowledge or liability; (2) the minor
316 may enter into a binding contract; (3) the minor may sue and be sued
317 in such minor's own name; (4) the minor shall be entitled to such
318 minor's own earnings and shall be free of control by such minor's
319 parents or guardian; (5) the minor may establish such minor's own
320 residence; (6) the minor may buy and sell real and personal property;
321 (7) the minor may not thereafter be the subject of (A) a petition under
322 section 46b-129 as an abused, neglected or uncared for child or youth,
323 (B) a petition under section 46b-128 or 46b-133 as a delinquent child for
324 any act committed before the date of the order, or (C) a petition under
325 section 46b-149 alleging that the minor is a child from a family with
326 service needs; (8) the minor may enroll in any school or college,
327 without parental consent; (9) the minor shall be deemed to be over
328 eighteen years of age for purposes of securing an operator's license
329 under section 14-36 and a marriage license under subsection (b) of
330 section 46b-30, as amended by this act; (10) the minor shall be deemed
331 to be over eighteen years of age for purposes of registering a motor

332 vehicle under section 14-12; (11) the parents of the minor shall no
333 longer be the guardians of the minor under section 45a-606; (12) the
334 parents of a minor shall be relieved of any obligations respecting such
335 minor's school attendance under section 10-184; (13) the parents shall
336 be relieved of all obligation to support the minor; (14) the minor shall
337 be emancipated for the purposes of parental liability for such minor's
338 acts under section 52-572; (15) the minor may execute releases in such
339 minor's own name under section 14-118; [and] (16) the minor may
340 enlist in the armed forces of the United States without parental
341 consent; and (17) the minor may access or obtain a birth certificate
342 under section 7-51, as amended by this act.

343 Sec. 15. Subsection (a) of section 17b-338 of the general statutes is
344 repealed and the following is substituted in lieu thereof (*Effective*
345 *October 1, 2012*):

346 (a) There is established a Long-Term Care Advisory Council which
347 shall consist of the following: (1) The executive director of the
348 Commission on Aging, or the executive director's designee; (2) the
349 State Nursing Home Ombudsman, or the ombudsman's designee; (3)
350 the president of the Coalition of Presidents of Resident Councils, or the
351 president's designee; (4) the executive director of the Legal Assistance
352 Resource Center of Connecticut, or the executive director's designee;
353 (5) the state president of AARP, or the president's designee; (6) one
354 representative of a bargaining unit for health care employees,
355 appointed by the president of the bargaining unit; (7) the president of
356 [the Connecticut Association of Not-For-Profit Providers for the
357 Aging] LeadingAge Connecticut, Inc., or the president's designee; (8)
358 the president of the Connecticut Association of Health Care Facilities,
359 or the president's designee; (9) the president of the Connecticut
360 Association of Residential Care Homes, or the president's designee;
361 (10) the president of the Connecticut Hospital Association or the
362 president's designee; (11) the executive director of the Connecticut
363 Assisted Living Association or the executive director's designee; (12)
364 the executive director of the Connecticut Association for Homecare or
365 the executive director's designee; (13) the president of Connecticut

366 Community Care, Inc. or the president's designee; (14) one member of
367 the Connecticut Association of Area Agencies on Aging appointed by
368 the agency; (15) the president of the Connecticut chapter of the
369 Connecticut Alzheimer's Association; (16) one member of the
370 Connecticut Association of Adult Day Centers appointed by the
371 association; (17) the president of the Connecticut Chapter of the
372 American College of Health Care Administrators, or the president's
373 designee; (18) the president of the Connecticut Council for Persons
374 with Disabilities, or the president's designee; (19) the president of the
375 Connecticut Association of Community Action Agencies, or the
376 president's designee; (20) a personal care attendant appointed by the
377 speaker of the House of Representatives; (21) the president of the
378 Family Support Council, or the president's designee; (22) a person
379 who, in a home setting, cares for a person with a disability and is
380 appointed by the president pro tempore of the Senate; (23) three
381 persons with a disability appointed one each by the majority leader of
382 the House of Representatives, the majority leader of the Senate and the
383 minority leader of the House of Representatives; (24) a legislator who
384 is a member of the Long-Term Care Planning Committee; and (25) one
385 member who is a nonunion home health aide appointed by the
386 minority leader of the Senate.

387 Sec. 16. Subsection (a) of section 17b-339 of the general statutes is
388 repealed and the following is substituted in lieu thereof (*Effective*
389 *October 1, 2012*):

390 (a) There is established a Nursing Home Financial Advisory
391 Committee to examine the financial solvency of nursing homes on an
392 ongoing basis and to support the Departments of Social Services and
393 Public Health in their mission to provide oversight to the nursing
394 home industry on issues concerning the financial solvency of and
395 quality of care provided by nursing homes. The committee shall
396 consist of the Commissioner of Social Services, or his designee; the
397 Commissioner of Public Health, or his designee; the Secretary of the
398 Office of Policy and Management, or his designee; the executive
399 director of the Connecticut Health and Education Facilities Authority,

400 or his designee; the [executive director of the Connecticut Association
401 of Not-for-Profit Providers for the Aging, or the executive director's
402 designee] president of LeadingAge Connecticut, Inc. or the president's
403 designee; and the executive director of the Connecticut Association of
404 Health Care Facilities, or the executive director's designee. The
405 Commissioner of Social Services or his designee and the Commissioner
406 of Public Health or his designee shall be the chairpersons of the
407 committee.

408 Sec. 17. Subsection (d) of section 19a-127l of the general statutes is
409 repealed and the following is substituted in lieu thereof (*Effective*
410 *October 1, 2012*):

411 (d) The advisory committee shall consist of (1) four members who
412 represent and shall be appointed by the Connecticut Hospital
413 Association, including three members who represent three separate
414 hospitals that are not affiliated of which one such hospital is an
415 academic medical center; (2) one member who represents and shall be
416 appointed by the Connecticut Nursing Association; (3) two members
417 who represent and shall be appointed by the Connecticut Medical
418 Society, including one member who is an active medical care provider;
419 (4) two members who represent and shall be appointed by the
420 Connecticut Business and Industry Association, including one member
421 who represents a large business and one member who represents a
422 small business; (5) one member who represents and shall be appointed
423 by the Home Health Care Association; (6) one member who represents
424 and shall be appointed by the Connecticut Association of Health Care
425 Facilities; (7) one member who represents and shall be appointed by
426 [the Connecticut Association of Not-For-Profit Providers for the
427 Aging] LeadingAge Connecticut, Inc.; (8) two members who represent
428 and shall be appointed by the AFL-CIO; (9) one member who
429 represents consumers of health care services and who shall be
430 appointed by the Commissioner of Public Health; (10) one member
431 who represents a school of public health and who shall be appointed
432 by the Commissioner of Public Health; (11) the Commissioner of
433 Public Health or said commissioner's designee; (12) the Commissioner

434 of Social Services or said commissioner's designee; (13) the Secretary of
435 the Office of Policy and Management or said secretary's designee; (14)
436 two members who represent licensed health plans and shall be
437 appointed by the Connecticut Association of Health Care Plans; (15)
438 one member who represents and shall be appointed by the federally
439 designated state peer review organization; and (16) one member who
440 represents and shall be appointed by the Connecticut Pharmaceutical
441 Association. The chairperson of the advisory committee shall be the
442 Commissioner of Public Health or said commissioner's designee. The
443 chairperson of the committee, with a vote of the majority of the
444 members present, may appoint ex-officio nonvoting members in
445 specialties not represented among voting members. Vacancies shall be
446 filled by the person who makes the appointment under this subsection.

447 Sec. 18. Subsection (b) of section 19a-515 of the general statutes is
448 repealed and the following is substituted in lieu thereof (*Effective*
449 *October 1, 2012*):

450 (b) Each licensee shall complete a minimum of forty hours of
451 continuing education every two years. Such two-year period shall
452 commence on the first date of renewal of the licensee's license after
453 January 1, 2004. The continuing education shall be in areas related to
454 the licensee's practice. Qualifying continuing education activities are
455 courses offered or approved by the Connecticut Association of
456 Healthcare Facilities, [the Connecticut Association of Not-For-Profit
457 Providers for the Aging] LeadingAge Connecticut, Inc., the
458 Connecticut Assisted Living Association, the Connecticut Alliance for
459 Subacute Care, Inc., the Connecticut Chapter of the American College
460 of Health Care Administrators, the Association For Long Term Care
461 Financial Managers or any accredited college or university, or
462 programs presented or approved by the National Continuing
463 Education Review Service of the National Association of Boards of
464 Examiners of Long Term Care Administrators, or by federal or state
465 departments or agencies.

466 Sec. 19. Subsection (a) of section 20-206b of the general statutes is

467 repealed and the following is substituted in lieu thereof (*Effective*
468 *October 1, 2012*):

469 (a) No person shall engage in the practice of massage therapy unless
470 the person has obtained a license from the department pursuant to this
471 section. Each person seeking licensure as a massage therapist shall
472 make application on forms prescribed by the department, pay an
473 application fee of three hundred seventy-five dollars and present to the
474 department satisfactory evidence that the applicant: (1) Has graduated
475 from a school of massage therapy offering a course of study of not less
476 than five hundred classroom hours, with the instructor present, [and]
477 that, at the time of the applicant's graduation, had a current school
478 code assigned by the National Certification Board for Therapeutic
479 Massage and Bodywork and was either (A) accredited by an agency
480 recognized by the United States Department of Education or by a state
481 board of postsecondary technical trade and business schools, or (B)
482 accredited by the Commission on Massage Therapy Accreditation, and
483 (2) has passed the National Certification Examination for Therapeutic
484 Massage and Bodywork. Passing scores on the examination shall be
485 prescribed by the department. The National Certification Board for
486 Therapeutic Massage and Bodywork's national examination for state
487 licensing option shall not satisfy the examination requirements for a
488 person seeking licensure pursuant to this section.

489 Sec. 20. (NEW) (*Effective October 1, 2012*) (a) Not later than January 1,
490 2013, the athletic department of each institution of higher education
491 shall develop and implement a policy consistent with this section
492 concerning the availability and use of an automatic external
493 defibrillator during intercollegiate sport practice, training and
494 competition.

495 (b) Each athletic department of an institution of higher education
496 shall (1) (A) provide and maintain in a central location on the premises
497 used by the athletic department at least one automatic external
498 defibrillator, as defined in section 19a-175 of the general statutes, and
499 (B) make such central location known and accessible to employees and

500 student-athletes of such institution of higher education during all
 501 hours of intercollegiate sport practice, training and competition, (2)
 502 ensure that at least one licensed athletic trainer or other person who is
 503 trained in cardiopulmonary resuscitation and the use of an automatic
 504 external defibrillator in accordance with the standards set forth by the
 505 American Red Cross or American Heart Association is on the premises
 506 used by the athletic department during all hours of intercollegiate
 507 sport practice, training and competition, (3) maintain and test the
 508 automatic external defibrillator in accordance with the manufacturer's
 509 guidelines, and (4) promptly notify a local emergency medical services
 510 provider after each use of such automatic external defibrillator. As
 511 used in this section, "the premises used by the athletic department"
 512 means those premises that are used for intercollegiate sport practice,
 513 training or competition and may include, but need not be limited to, an
 514 athletic building or room, gymnasium, athletic field or stadium; and
 515 "intercollegiate sport" means a sport played at the collegiate level for
 516 which eligibility requirements for participation by a student-athlete are
 517 established by a national association for the promotion or regulation of
 518 collegiate athletics.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	7-60(a)
Sec. 2	October 1, 2012	46b-25
Sec. 3	October 1, 2012	46b-30
Sec. 4	October 1, 2012	19a-72(b)
Sec. 5	October 1, 2012	19a-255
Sec. 6	October 1, 2012	19a-4l
Sec. 7	October 1, 2012	52-146k(a)(4)
Sec. 8	October 1, 2012	19a-37(f)
Sec. 9	October 1, 2012	20-341a
Sec. 10	October 1, 2012	20-341l
Sec. 11	October 1, 2012	20-12(e)
Sec. 12	October 1, 2012	7-36
Sec. 13	October 1, 2012	7-51
Sec. 14	October 1, 2012	46b-150d
Sec. 15	October 1, 2012	17b-338(a)

Sec. 16	October 1, 2012	17b-339(a)
Sec. 17	October 1, 2012	19a-1271(d)
Sec. 18	October 1, 2012	19a-515(b)
Sec. 19	October 1, 2012	20-206b(a)
Sec. 20	October 1, 2012	New section

Statement of Legislative Commissioners:

The original section 1, which amended section 7-36, was deleted, the remaining sections were renumbered and the changes were incorporated into section 12, which also amends section 7-36, for clarity and consistency with drafting conventions; in the last sentence of section 4, "annually on or before July first" was changed to "on or before July first, annually," for consistency with the drafting conventions of the general statutes; in the introductory language of section 6, "[hold a license] licensed" was changed to "[hold] a license", for clarity; in section 13(a)(1), "as defined in section 7-36, as amended by this act," was inserted after "certified homeless youth", for clarity; in the first sentence of section 13(c)(2), "pursuant to section 7-51" was changed to "as described in section 7-36" for clarity, consistency and accuracy; in the second to last sentence of section 13(c)(2), "the department such information to identify the certified homeless youth" was changed to "the department information sufficient to identify himself or herself"; and in the last sentence of section 13(c)(2) "meeting the requirements of section 7-36, as amended by this act, to certify a certified homeless youth as homeless." was changed to "meeting the certification requirements of section 7-36, as amended by this act."

PH *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Public Health, Dept.	GF - Potential Revenue Gain	4,900	None

Note: GF=General Fund

Municipal Impact: None

Explanation

An approximate \$4,900 biannual General Fund revenue gain may result from the increase of fines imposed upon subsurface sewage disposal installers and subsurface sewage disposal cleaners practicing without a license from a maximum of \$100 to a maximum of \$10,000. There are currently six repeat offenders known to DPH, one of which DPH may choose to fine \$5,000 in FY 13 with the expectation that this fine will deter others. It is not anticipated that DPH will choose to exercise its authority to fine that individual the maximum amount of the fine.

Other provisions of the bill, including allowing certified homeless youths and emancipated minors to obtain birth certificates and requiring institutions of higher education to provide an automatic external defibrillator during sport practice, do not result in a fiscal impact to the state or municipalities.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of subsurface sewage disposal installers and subsurface sewage disposal cleaners practicing without a license that are brought to DPH's attention, whether DPH

chooses to impose a fine on those individuals, and the amount of the fines imposed.

Sources: Department of Public Health

OLR Bill Analysis**sHB 5514*****AN ACT CONCERNING VARIOUS REVISIONS TO THE PUBLIC HEALTH STATUTES.*****SUMMARY:**

This bill makes numerous substantive changes to Department of Public Health (DPH)-related statutes and programs. For example, the bill requires at least one automatic external defibrillator (AED) at each higher education institution's athletic department, and at least one person trained in AED use and in cardiopulmonary resuscitation (CPR) to be on premises during intercollegiate sport practices, training, or competition.

The bill increases the maximum penalty, from \$100 to \$10,000 per violation, for violations of laws relating to installers and cleaners of subsurface sewage disposal systems (e.g., septic systems). It allows homeless youth meeting certain criteria and emancipated minors to receive their birth certificates.

The bill also makes changes affecting vital records, consent for minors to marry, the Connecticut Tumor Registry, tuberculosis patients, the Oral Public Health director, rape crisis centers, private residential well testing, out-of-state physicians at youth camps, and massage therapist licensure.

The bill also makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2012

§ 20 – AED AT HIGHER EDUCATION INSTITUTIONS

The bill requires at least one AED at each athletic department of higher education institutions. The AED must be provided and

maintained in a central location on the premises used by the athletic department (i.e., those premises used for intercollegiate sport practice, training, or competition, including athletic buildings or rooms, gymnasiums, athletic fields, or stadiums).

The bill also requires higher education athletic departments to:

1. make the AED's location known and accessible to its employees and student-athletes during all hours of intercollegiate sport practice, training, and competition;
2. ensure that at least one licensed athletic trainer or other person who is trained in CPR and AED use, in accordance with the standards of the American Red Cross or American Heart Association, is on the athletic department premises during all hours of intercollegiate sport practice, training and competition;
3. maintain and test the AED according to the manufacturer's guidelines;
4. promptly notify a local emergency medical services provider after each use of such an AED; and
5. by January 1, 2013, develop and implement a policy consistent with these provisions concerning the availability and use of an AED during intercollegiate sport practice, training and competition.

The bill defines "intercollegiate sport" as a sport played at the collegiate level with eligibility requirements for student-athletes' participation that are established by a national association for the promotion or regulation of collegiate athletics.

§§ 9-10 – SEPTIC SYSTEM INSTALLERS AND CLEANERS

The bill increases the maximum penalty, from \$100 to \$10,000 per incident, for violations of laws governing installers and cleaners of septic systems and other subsurface sewage disposal systems.

The bill also removes the condition in current law defining such systems' installers or cleaners as people who "regularly" offer such work to the general public. This explicitly allows DPH to take action against someone who violates these laws even if the person is not regularly engaged in such work.

§§ 12-14 – ACCESS TO BIRTH CERTIFICATES FOR HOMELESS YOUTH AND EMANCIPATED MINORS

The bill allows certified homeless youth (see below) and emancipated minors to access or receive their birth certificates. Current law does not allow minors access to their birth certificates (but their parents, guardians, and certain other family members can obtain birth certificates for them).

Certified Homeless Youth

The bill defines a certified homeless youth as a 15- to 17- year old person, not in the physical custody of a parent or legal guardian, who is a homeless child or youth as defined in specified federal law (see BACKGROUND), and certified as homeless by one of the following:

1. a school district homeless liaison;
2. the director, or director's designee, of an emergency shelter program funded by the U.S. Department of Housing and Urban Development; or
3. the director, or director's designee, of a runaway or homeless youth basic center or transitional living program funded by the U.S. Department of Health and Human Services.

Under the bill, when a certified homeless youth is requesting his or her birth certificate, the youth must be accompanied by the person certifying him or her as homeless, as described above. The youth must present the written request to:

1. the office of the registrar of the town of the youth's birth;
2. the office of the registrar of the town where the youth's mother

resided at the time of the youth's birth;

3. if the birth certificate has been electronically filed, any registrar of vital statistics in the state with DPH-authorized access to the electronic vital records system; or
4. DPH's Vital Records Office.

The bill requires the certified homeless youth to present to the registrar or DPH sufficient identifying information as DPH regulations may require. The person certifying the youth as homeless must also present to the registrar or DPH sufficient identifying information to meet the certification requirements.

§ 1 – FETAL DEATH CERTIFICATES

The bill eliminates the requirement that fetal death certificates conform to the same standards and requirements as birth certificates regarding the mother's marital status and acknowledgement of paternity. The current requirements include that (1) information about the mother's marital status be recorded on a confidential portion of the birth certificate; (2) acknowledgement of paternity be filed in DPH's paternity registry; and (3) the father's name be entered on the birth certificate or birth record when the mother is not married.

§§ 2-3 – MARRIAGE

§ 2 – *Marriage Licenses*

The bill provides that if a marriage license is signed and sworn to by the applicants on different dates, the application date is deemed to be the later date, rather than the earlier one (by law, marriage licenses expire after 65 days).

§ 3 – *Permission for Minors to Marry*

The bill eliminates the authority of non-custodial parents to consent to a minor's marriage, and makes a conforming change.

§ 4 – TUMOR REGISTRY

The bill requires that reports to the Connecticut Tumor Registry

include pathology reports, along with other information required by existing law.

By law, the Connecticut Tumor Registry includes reports of all tumors and conditions that are diagnosed or treated in the state for which DPH requires reports. Hospitals, various health care providers, and clinical laboratories must provide such reports to DPH for inclusion in the registry.

§ 5 – TUBERCULOSIS PATIENTS

The bill allows the DPH commissioner to enter into a reciprocal agreement with another state for the interstate transportation and treatment of patients with tuberculosis.

§ 6 – ORAL PUBLIC HEALTH DIRECTOR

The bill eliminates the requirement that the Office of Oral Public Health director have a graduate degree in public health, instead requiring experience in public health. By law, the director must also be a dentist or dental hygienist licensed in Connecticut.

§ 7 – RAPE CRISIS CENTERS

The bill eliminates a reference to rape crisis centers needing to meet DPH criteria for service provision in the statute on confidential communications between sexual assault counselors and victims. Current law includes this reference but does not specifically authorize DPH to set such criteria.

§ 8 – RADIONUCLIDES IN PRIVATE RESIDENTIAL WELLS

The bill eliminates local health directors' authority to require private residential well testing for all radionuclides (i.e., radioactive contaminants), instead allowing them to require testing for specific substances: arsenic, radium, uranium, radon, or gross alpha emitters.

By law, local health directors can only require such testing if there are reasonable grounds to suspect that contaminants are present, such as deposits in bedrock or proximity to areas where such substances are present in groundwater. The law also allows them to require such

testing for pesticides, herbicides, or organic chemicals.

§ 11 – PHYSICIANS AT YOUTH CAMPS

The bill allows any physician or surgeon licensed in good standing in another state to practice here as a youth camp physician for up to nine weeks, without a Connecticut license. Current law requires them to be board-certified in pediatrics or family medicine if the other state's licensure standards are not equivalent to ours.

§ 12 – AMENDMENTS TO VITAL RECORDS

The bill restricts the types of amendments that can be made to vital records concerning changes that occur after the records are prepared. It still allows amendments to reflect legal name changes or changes to the cause of death. It also continues to allow the creation of replacement birth certificates for changes to parentage or gender. The bill does not allow other types of amendments for changes that occurred after the records are prepared (e.g., address changes).

§§ 15-18 – LEADINGAGE CONNECTICUT

The bill makes technical changes reflecting that the Connecticut Association of Not-For-Profit Providers for the Aging has been renamed LeadingAge Connecticut, Inc.

§ 19 – MASSAGE THERAPIST LICENSES

By law, to receive a massage therapist license, the applicant must have graduated from a school of massage therapy meeting certain requirements. The bill requires the school to have had, upon the applicant's graduation, a current school code assigned by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB).

Licensure applicants must also have passed the National Certification Examination for Therapeutic Massage and Bodywork, an exam offered by NCBTMB. The bill specifies that NCBTMB's national examination for state licensing option (a different exam) does not satisfy the law's examination requirement for licensure.

BACKGROUND***Federal Definition of Homeless Youth***

In the federal public health and welfare statute, “homeless children and youths” are defined, for purposes of certain education programs, as individuals who lack a fixed, regular, and adequate nighttime residence. This includes:

1. children and youths who are (a) sharing other people’s housing due to loss of housing, economic hardship, or a similar reason; (b) living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; (c) living in emergency or transitional shelters; (d) abandoned in hospitals; or (e) awaiting foster care placement;
2. children and youths with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation;
3. children and youths living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
4. migratory children (i.e., migratory agriculture workers, or their children or spouses, or migratory fishers, meeting certain requirements) who qualify as homeless because the children are living in circumstances described above (42 U.S.C. § 11434a).

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 26 Nay 0 (03/30/2012)